

THE HONORABLE BARBARA J. ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

ALEXIS HUERTA,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01183-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01183-BJR) - 1**

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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiff Alexis Huerta and Defendant T-Mobile USA, Inc. (together “the Parties”), move the Court to stay all proceedings and deadlines in this action pending a ruling by the Judicial Panel on Multidistrict Litigation (“JPML”) on the pending motion to transfer under 28 U.S.C. § 1407. *See In re: T-Mobile Customer Data Sec. Breach Litig.*, MDL No. 3019 (ECF No. 1). In support of this motion, the Parties state:

Plaintiff filed this case on August 31, 2021 and served T-Mobile on September 9, 2021. *See* ECF No. 1. Plaintiff alleges T-Mobile failed to adequately safeguard the personal information of its customers from a criminal third-party actor. *Id.* ¶¶ 1–3. The plaintiffs in about 30 putative class actions have made similar allegations against T-Mobile based on the data-security incident. *See In re T-Mobile*, MDL No. 3019 (ECF Nos. 1-1, 2, 8-1, 11, 20, 48, 62). These cases are pending in eight federal judicial districts. *See id.*

Good cause exists for a stay because—given the number of similar, overlapping cases—it is likely the JPML will grant the pending motion to transfer and coordinate or consolidate the related cases for pretrial proceedings under 28 U.S.C. § 1407. *See id.* (ECF No. 1). And the plaintiffs who filed the JPML transfer motion subsequently noticed this case because of its related nature. *See id.* (ECF No. 20). So to conserve judicial resources and the resources of the Parties in addressing multiple, related putative class actions, the Parties agree to this stay. Under these circumstances, “[c]ourts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Good v. Prudential Ins. Co. of Am.*, 5 F.Supp.2d 804, 809 (N.D. Cal. 1998); *see Short v. Hyundai Motor Am. Inc.*, No. C19-0318JLR., 2019 WL 3067251 (W.D. Wash. July 12, 2019) (granting stay pending JPML’s ruling on Section 1407 motion); *Gonzalez v. Merck & Co.*, No. 07-cv-3034, 2007 WL 2220286, at *2 (E.D. Wash. Aug. 2, 2007) (granting defendant’s

STIPULATED MOTION AND ORDER
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1 motion to stay pending transfer decision and noting that “well settled case law . . . dictates a stay
 2 should be granted to promote judicial economy”); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358,
 3 1362 (C.D. Cal. 1997) (granting stay pending JPML’s ruling because “a majority of courts have
 4 concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to
 5 transfer and consolidate is pending with the MDL Panel”); *Bonefant v. R.J. Reynolds Tobacco Co.*,
 6 No. 07-cv-60301, 2007 WL 2409980, at *1 (S.D. Fla. July 31, 2007) (“[I]t is common practice for
 7 courts to stay an action pending a transfer decision by the JPML.”).

8 And like most courts, this Court recently stayed a case pending the JPML’s ruling on a
 9 motion to transfer. *Shattuck v. AIA, Inc.*, No. 2:21-cv-00945-BJR, 2021 U.S. Dist. LEXIS 164045
 10 (W.D. Wash. Aug. 30, 2021) (Rothstein, J.) (granting stay over plaintiff’s opposition). The Court
 11 should do so again and grant the Parties a short stay of proceedings until the JPML rules on the
 12 pending motion to transfer under Section 1407.

13
 14 Dated: September 28, 2021

15 By: /s/ Steve Y. Koh
 16 Steve Y. Koh, WSBA No. 23284
 17 Kathleen M. O’Sullivan, WSBA No. 27850
 18 Lauren J. Tsuji, WSBA No. 55839
 19 **PERKINS COIE LLP**
 1201 Third Avenue, Suite 4900
 20 Seattle, WA 98101-3099
 Telephone: 206.359.8000
 21 Facsimile: 206.359.9000
 E-mail: SKoh@perkinscoie.com
 22 KOSullivan@perkinscoie.com
 23 LTsuji@perkinscoie.com

24 Kristine McAlister Brown (*pro hac vice*)
ALSTON & BIRD LLP
 1201 West Peachtree Street
 Atlanta, GA 30309
 Telephone: (404) 881-7000

STIPULATED MOTION AND ORDER
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 (No. 2:21-cv-01183-BJR) - 3

Perkins Coie LLP
 1201 Third Avenue, Suite 4900
 Seattle, Washington 98101-3099
 Phone: 206.359.8000
 Fax: 206.359.9000

1 Facsimile: (404) 881-7777
E-Mail: kristy.brown@alston.com

2 *Attorneys for Defendant T-Mobile USA, Inc.*

3 By: /s/ Beth E. Terrell

4 Beth E. Terrell, WSBA No. 26759
TERRELL MARSHALL LAW GROUP PLLC
5 936 N. 34th Street, Suite 300
Seattle, Washington 98103
6 Telephone: (206) 816-6603
Facsimile: (206) 319-5450
7 E-Mail: bterrell@terrellmarshall.com

8 Laurence D. King (*pro hac vice* forthcoming)
Matthew George (*pro hac vice* forthcoming)
9 **KAPLAN FOX & KILSHEIMER LLP**
1999 Harrison Street, Suite 1560
10 Oakland, California 94612
Telephone: (415) 772-4700
11 Facsimile: (415) 772-4707
E-mail: lking@kaplanfox.com
12 mgeorge@kaplanfox.com

13 David Silver (*pro hac vice* forthcoming)
SILVER MILLER
14 11780 West Sample Road
Coral Springs, FL 33065
15 Telephone: (954) 516-6000
Email: dsilver@silvermiller.com

16 *Attorneys for Plaintiff*

24 STIPULATED MOTION AND ORDER
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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
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Fax: 206.359.9000

ORDER

IT IS SO ORDERED.

Dated this 29th day of September 2021.

s/Barbara J. Rothstein
Barbara J. Rothstein
U.S. District Court Judge

Presented by:

/s/ Steve Y. Koh

Steve Y. Koh, WSBA No. 23284
Kathleen M. O'Sullivan, WSBA No. 27850
Lauren J. Tsuji, WSBA No. 55839

PERKINS COIE LLP

1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

E-mail: SKoh@perkinscoie.com

KOSullivan@perkinscoie.com

LTsuji@perkinscoie.com

Kristine McAlister Brown (*pro hac vice*)

ALSTON & BIRD LLP

1201 West Peachtree Street
Atlanta, GA 30309

Telephone: (404) 881-7000

Facsimile: (404) 881-7777

E-Mail: kristy.brown@alston.com

Attorneys for Defendant T-Mobile USA, Inc.

STIPULATED MOTION AND ORDER
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